

ANTONIA MARTINEZ

JUNE 24, 1960.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H.R. 2671]

The Committee on the Judiciary, to which was referred the bill (H.R. 2671) for the relief of Antonia Martinez, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to cancel outstanding deportation proceedings in behalf of Antonia Martinez. The bill also provides for the posting of a bond as a guaranty that the beneficiary will not become a public charge.

STATEMENT OF FACTS

The beneficiary of the bill is a 46-year-old native and citizen of Mexico, who last entered the United States in January 1950, without inspection. She first entered the United States in 1946, and was later committed to a State hospital with mental illness. On January 3, 1948, she left the hospital without permission and returned to Mexico. Since her last entry, the beneficiary has twice been confined for the same illness, and was discharged on January 25, 1956. The beneficiary's two daughters are lawful permanent residents of the United States and both are married. The beneficiary is a widow and her daughters are anxious that she be permitted to remain in this country.

A letter, with attached memorandum, dated December 19, 1958, to the chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to H.R. 13599, which was a similar bill introduced in the 85th Congress for the relief of the same beneficiary, reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D.C., December 19, 1958.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H.R. 13599) for the relief of Antonia Martinez, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the San Francisco, Calif., office of this Service, which has custody of those files.

The bill would grant the beneficiary permanent residence in the United States as of the date of its enactment upon payment of the required visa fee. It also directs that a bond be deposited to insure that the beneficiary shall not become a public charge.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND
NATURALIZATION SERVICE FILES RE ANTONIA MARTINEZ,
BENEFICIARY OF H.R. 13599

The beneficiary was born on April 16, 1913, at Coalcoman, Michoacan, Mexico, and is a citizen of that country. She is a widow and resides at 1804 Fifth Street, Oakland, Calif. Her marriage to Rafael Arroyo, a citizen of Mexico, on April 13, 1931, at Coalcoman was terminated by his death in Mexico on January 20, 1945. Her marriage to Jose Garcia on January 7, 1952, at Oakland was terminated by annulment in that city on January 23, 1956. Since 1952, she has worked as a food packer at the California Packing Co., plant No. 35, Emeryville, Calif., at an approximate average yearly income of \$690. Since 1950 she was employed about 6 months annually at the La Borinquena store in Oakland at an annual income, approximating \$975. She was employed from October 1957 to April 1958 at another store at the weekly income of \$40 and is now working at the La Mejicana Cafe at the same salary. Her only asset is a savings account of \$1,100. The beneficiary's two daughters reside in Oakland. They are permanent residents of the United States, married and not dependent on the beneficiary. The beneficiary has a brother and two sisters in this country and no close relatives in Mexico.

The beneficiary first entered the United States at San Ysidro, Calif., in 1946. She was committed to the Napa State Hospital at Imola, Calif., on July 1, 1947, with her condition diagnosed as dementia praecox, catatonic type. On January 3, 1948, she left the hospital without permission and thereafter returned to Mexico on an unknown date. She reentered this country in January 1950 near Calexico, Calif., without inspection and has remained here since. She was again in the Napa State Hospital from May 28 to December 22, 1951, and from September 19, 1954, to January 28, 1955, with the same mental condition. She was discharged from the hospital records on January 25, 1956, and at the present time appears to be in good health. Deportation proceedings were instituted against the beneficiary on April 3, 1958. At a hearing before a special inquiry officer on April 15, 1958, she was found deportable as a person who entered without inspection and was granted until June 1, 1958, within which to depart voluntarily. She did not do so. A warrant for the beneficiary's deportation was issued on June 2, 1958. Further action to enforce the beneficiary's departure is not contemplated at this time.

Congressman George P. Miller, the author of the bill, submitted the following statement and letters in support of the bill:

Mr. Chairman and members of the committee, I appreciate your courtesy in permitting me to testify in support of H.R. 2671, the bill I introduced for the relief of Mrs. Antonia Martinez. The bill would grant her permanent residence.

Mrs. Martinez is a native of Mexico. She is a widow, her husband having died in 1945. Her only children, two daughters, are lawful permanent residents of Oakland, Calif. They are both married; one has four American-born children, the other two.

I have received letters not only from the two daughters and their families, but from Mrs. Martinez' sisters and brother who also reside in this country. All the relatives are most anxious that Mrs. Martinez be permitted to remain here with her family and not be forced to return to Mexico where she would have to live alone.

Mrs. Martinez has on several occasions been a mental patient in a hospital. She was discharged from the Napa Hospital in January 1956 and has been in good health since, although medical records indicate there may be a relapse at some future time.

The family of the beneficiary of this bill is willing to post a bond with the Immigration and Naturalization Service to insure that Mrs. Martinez shall not become a public charge. In this regard there are three letters attached from the executive director of the International Institute of Alameda County.

Mr. Chairman, I respectfully urge the committee's favorable consideration of my bill so that Mrs. Martinez may remain with her family in the United States.

INTERNATIONAL INSTITUTE OF ALAMEDA COUNTY,
Oakland, Calif., June 30, 1958.

Re Antonia Martinez.

HON. GEORGE P. MILLER,
Congress of the United States,
House of Representatives, Washington, D.C.

DEAR MR. MILLER: We have had Mrs. Margarita Martinez Chavez of 1843 Goss Street, Oakland, come to the office to discuss with us the question raised in your letter of June 18 relative to her financial ability to post a bond for the benefit of her sister in the event she is required to do so by the Immigration and Naturalization Service.

Mr. and Mrs. Chavez own property which has a market value of at least \$12,500 on which they owe \$3,500; they have a bank account of approximately \$500; Mr. Chavez is employed at Marchants in the heat-treating department making about \$2 an hour. We have not at this point secured letters proving these various points since we wish to get this information to you as soon as possible but we shall be very glad to get proof of the financial assets outlined.

Beside her sister, Mrs. Martinez has a brother, Trinidad Martinez, living in Redwood City who has a steady job and owns property with an equity of approximately \$5,000. We understand he too will be willing to assist his sister in any way the Government requests.

Sincerely yours,

WILHELMINE W. YOAKUM,
Mrs. Wilhelmine W. Yoakum,
Executive Director.

INTERNATIONAL INSTITUTE OF ALAMEDA COUNTY,
Oakland, Calif., June 16, 1958.

Re Antonia Martinez.

HON. GEORGE P. MILLER,
Congress of the United States,
House of Representatives, Washington, D.C.

DEAR MR. MILLER: Answering your letter of June 12 relative to the above-mentioned Mexican who is subject to deportation due to residence in a mental hospital on three occasions, we wish to state that we deeply appreciate your efforts in her behalf.

We have contacted some of her relatives in this area and beg to report that her sister, Mrs. Margarita Chavez, of Oakland, stands ready to provide a bond in the event it is requested by the Immigration Service. Her children too will help in providing this bond but it is Mrs. Chavez who is best able financially to accept this responsibility and is most anxious to do so.

Very truly yours,

WILHELMINE W. YOAKUM
Mrs. Wilhelmine W. Yoakum,
Executive Director.

MAY 14, 1958.

Re Martinez, Antonia, S.F. INS File No. A10464783.

HON. GEORGE P. MILLER,
Member of House of Representatives,
Washington, D.C.

DEAR MR. MILLER: We are passing on to you at the request of the family involved the case of the above-mentioned Mexican widow who is known to the Immigration Service and who is on "voluntary departure." We know this to be a compassionate case but we are not sure whether you will feel that it contains the necessary elements to warrant a private bill being introduced for her relief.

The family situation: Mrs. Martinez is a widow about 45 years of age who has two resident daughters living in this area, both married. One has four children and the other has two children. She has a brother and two sisters in this area, all permanent residents. She, herself, entered the United States without securing a visa, bringing with her her two minor daughters whose resident status we helped to adjust at a later date. She supported herself and her children and has never requested relief. She has a very pleasant personality, well beloved by her daughters and siblings.

Mrs. Martinez, even under recent legislation, is nevertheless ineligible for a visa since she has had a number of admissions to Napa State Hospital. We are enclosing copy of a letter recently received from the hospital which contains her medical history. She has been supporting herself adequately since her last discharge in January 1956, but as we all know there may be a relapse at some future time.

The distressing fact in case Mrs. Martinez must return to Mexico is that she has no one in Mexico to whom she can turn. All of her family live in this area and are willing to look after her in the event help is needed. We are enclosing translations of various letters prepared by her relatives and addressed to you.

We should indeed be pleased if you feel that something could be done in this particular case.

Sincerely yours,

Mrs. WILHELMINE W. YOAKUM,
Executive Director.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H.R. 2671) should be enacted.

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